



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 2263-00

28 September 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 September 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 24 September 1980 at the age of 19. Your record reflects that you served for nearly a year without incident. However, on 14 October 1981, you received nonjudicial punishment (NJP) for a 13 day period of unauthorized absence (UA). The punishment imposed was reduction to paygrade E-3 and forfeiture of pay for a month.

Your record further reflects that on 20 October 1981 you refused to participate in an alcohol rehabilitation treatment program. Shortly thereafter, you submitted a written statement in which you disclosed your use of marijuana and cocaine prior to your entry into the Navy.

Subsequently, you were notified of pending administrative separation action by reason of misconduct due to fraudulent enlistment as evidenced by your failure to disclose pre-service drug use and unsuitability due to failure to participate in an alcohol rehabilitation treatment program. After consulting with legal counsel, you waived your right to present your case to an administrative discharge board (ADB) in lieu of a recommendation

for a general discharge. On 9 November 1981 your commanding officer recommended you be issued a general discharge. The discharge authority approved this recommendation and directed your commanding officer to issue you a general discharge under honorable conditions by reason of misconduct, and on 17 December 1981 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, and your contention that you should have received an honorable discharge because of your honesty regarding your pre-service drug use. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your misconduct, specifically, your fraudulent enlistment and the NJP, and your refusal to participate in alcohol rehabilitation. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director